

REMARKS

Favorable reconsideration of this application is respectfully requested in light of the following remarks. Currently, Claims 1-12 are pending in the present application.

Claims 1, 3, 6 and 11-12 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,055,042 to *Sarangapani* in view of APA (Admission of Prior Art). Claim 2 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Sarangapani* in view of APA and further in view of U.S. Patent No. 5,572,428 and WO 02/030792. Claims 4-5 and 8-10 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Sarangapani* in view of APA and further in view of U.S. Patent No. 6,393,362. Claim 7 stands rejected under 35 U.S.C. §103(a) as being unpatentable over *Sarangapani* in view of APA and further in view of U.S. Patent No. 6,642,839.

Independent Claims 1 and 11 each recite, among other features, "carrying out a second collision examination wherein at least one sideward safe area is monitored". Independent Claims 6 and 12 each recite, among other features, a control system that is "configured to monitor at least one sideward safe area of the vehicle". None of the art of record discloses these patentable features.

Concerning the cited APA in paragraph [0003] of the present application, it is mentioned therein that "[i]t is well known to equip an unmanned mine vehicle with a scanner and monitor an area of a predetermined size in front of the vehicle. If an obstacle is detected within this area, an alarm will be given and the vehicle stops automatically." However, only one collision examination is performed for monitoring the area in front of the vehicle, and that collision warning is issued and the vehicle stopped. However, the Examiner fails to establish where the

feature of a second collision warning is shown in any of the prior art references or known in the art.

At the bottom of page 3 of the Official Action, the Examiner states that “although Sarangapani does not explicitly disclose the steps of determining also at least one sideward safe area for the vehicle, determining an obstacle-free route on the basis of the forward scanning results, and determining points in a sideward direction of the vehicle to restrict the route; forming memory points on the basis of coordinates of the points restricting the route, and storing the memory points in the control system; and carrying out a second collision examination wherein at least one sideward safe area of the vehicle is monitored; however, it is well known in the art of experimentation that one derives his or her own program / algorithm to operate a system.” However, the Examiner has failed to establish a *prima facie* case of obviousness.

In particular, the prior art is completely deficient in disclosing the feature of carrying out a second collision examination wherein at least one sideward safe area of the vehicle is monitored. The Examiner’s argument regarding deriving his or her own program/algorithm fails because the invention is not merely a computerized implementation of a known process. It is a completely different method that requires an explicit step of carrying out a second collision examination wherein at least one sideward safe area of the vehicle is monitored and a control system that is configured to monitor at least one sideward safe area of the vehicle. These features are not found in the prior art, and thus, can not be “incorporated” into the method of *Sarangapani* because they were not known or disclosed. Accordingly, neither *Sarangapani* nor APA, in combination or alone, disclose the patentable features of independent Claim 1, 6, 11, and 12.

For at least the foregoing reasons, the method and device of independent Claims 1, 6, 11 and 12, and the claims depending therefrom, are patentable over the combined documents. Accordingly, withdrawal of the rejections of record and allowance of this application are earnestly solicited.

Should any questions arise in connection with this application, or should the Examiner believe a telephone conference would be helpful in resolving any remaining issues pertaining to this application, it is respectfully requested that the undersigned be contacted at the number indicated below.

EXCEPT for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0573. This paragraph is intended to be a CONSTRUCTIVE PETITION FOR EXTENSION OF TIME in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully Submitted,

Date: June 4, 2009
DRINKER BIDDLE & REATH LLP
Customer No. 55694
1500 K Street, N.W., Suite 1100
Washington, D.C. 20005-1209
Tel. No.: 202-842-8800
EPS:mk

By: Elaine P. Spector
Elaine P. Spector
Reg. No. 40,116
Attorney for Applicants
Tel. No.: (202) 842-8863
Fax No.: (202) 842-8465